

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CORPORAL B. KURT PRICE, et al.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	C.A.No.04-956-GMS
	:	
COLONEL L. AARON CHAFFINCH, et al.,	:	
	:	
Defendants.	:	

SERGEANT CHRISTOPHER D. FORAKER,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A.No.04-1207-GMS
	:	
COLONEL L. AARON CHAFFINCH, et al.,	:	
	:	
Defendants.	:	

**PLAINTIFFS' MOTION FOR SANCTIONS AND OTHER RELIEF DUE TO
DEFENDANTS' INTENTIONAL DESTRUCTION OF
RELEVANT EVIDENCE**

For the reasons stated in the accompanying Opening Brief, plaintiffs Move that the Court issue an Order sanctioning defendants and finding that -

(1) Defendants intentionally destroyed relevant evidence to prevent plaintiffs from gaining access to it and using it in their Court cases. As a result, default judgment shall be entered against defendants on all of plaintiffs' liability claims. A trial on damages shall be ordered.

Respectfully Submitted,

THE NEUBERGER FIRM, P.A.

/s/ Stephen J. Neuberger

THOMAS S. NEUBERGER, ESQ. (#243)
STEPHEN J. NEUBERGER, ESQ. (#4440)

Two East Seventh Street, Suite 302

Wilmington, DE 19801

(302) 655-0582

TSN@NeubergerLaw.com

SJN@NeubergerLaw.com

MARTIN D. HAVERLY, ATTORNEY AT LAW

/s/ Martin D. Haverly

MARTIN D. HAVERLY, ESQ. (#3295)

Two East Seventh Street, Suite 302

Wilmington, DE 19801

(302) 654-2255

Martin@HaverlyLaw.com

Dated: January 25, 2006

Attorneys for Plaintiff

LOCAL RULE 7.1.1 STATEMENT

Counsel certifies that he contacted defense counsel to determine their position on this motion. Defense counsel failed to respond to counsel's e-mail.

/s/ Stephen J. Neuberger

STEPHEN J. NEUBERGER, ESQ.

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Defendants.	:	

SERGEANT CHRISTOPHER D. FORAKER,	:	
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Plaintiff,	:	
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	:	
COLONEL L. AARON CHAFFINCH, et al.,	:	
	:	
Defendants.	:	

ORDER

This _____ day of _____, 2006, the Court hereby sanctions defendants and Orders that a default judgment be entered against them on Counts I-IV of plaintiff's Complaint in C.A.No. 04-1207, and on Counts I-II of plaintiffs' First Amended Complaint in C.A.No. 04-956-GMS.

THE HONORABLE GREGORY M. SLEET

CERTIFICATE OF SERVICE

I, Stephen J. Neuberger, being a member of the bar of this Court do hereby certify that on January 25, 2006, I electronically filed this **Motion** with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

Robert Fitzgerald, Esquire
Montgomery McCracken Walker & Rhoads, LLP
123 South Broad Street
Philadelphia, PA 19109

Richard M. Donaldson, Esquire
Montgomery McCracken Walker & Rhoads, LLP
300 Delaware Avenue, Suite 750
Wilmington, DE 19801

/s/ Stephen J. Neuberger
STEPHEN J. NEUBERGER, ESQ.